

Message

From: Lyons, John [Lyons.John@epa.gov]
Sent: 4/13/2021 3:55:36 PM
To: Jeff Dillen - NOAA Federal [jeff.dillen@noaa.gov]
CC: Helmlinger, Andrew [Helmlinger.Andrew@epa.gov]; Chesnutt, John [Chesnutt.John@epa.gov]
Subject: RE: Follow-up, So. Cal. Historic Ocean Disposal

Thanks Jeff – that's very helpful.

Just talked with our lead lawyer on the FOIA – it does not look like the FOIA request implicates any of Simanonok's work.

See you later today,
John

John Lyons
Acting Deputy Director
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(415) 972-3889
(415) 265-0908(cell)

From: Jeff Dillen - NOAA Federal <jeff.dillen@noaa.gov>
Sent: Tuesday, April 13, 2021 8:24 AM
To: Lyons, John <Lyons.John@epa.gov>
Cc: Helmlinger, Andrew <Helmlinger.Andrew@epa.gov>; Chesnutt, John <Chesnutt.John@epa.gov>
Subject: Re: Follow-up, So. Cal. Historic Ocean Disposal

John, Thank you for the follow up. I wanted to respond to your point about the NOAA records you are finding. You mentioned NOAA likely wanting to review what you are finding in your records related to Steve Simanonok's investigation.

Ex. 5 AC/DP

Ex. 5 AC/DP

On NOAA's end, we are presently reviewing the indices for our historic Montrose files. There are ~100 boxes at the Records Center. We are pulling back documents that appear to contain information relevant to your search; scan what we find that seems helpful; and send it to you for review. Again, we are comfortable with you holding and reviewing those documents as they become available. It may take some time for us to gain physical access to the files, and I will keep you posted on our progress.

I look forward to seeing you later today.

Until we speak,
Jeff

On Mon, Apr 12, 2021 at 8:04 PM Lyons, John <Lyons.John@epa.gov> wrote:

Confidential

AWP/ACP

Thanks Jeff,

Will add you two to the invite.

Also, we may have a small file of materials that Steve Simanonok kept from his work for NOAA on ocean dumping. These materials were collected post trial (they have not been scanned) and have been stored in box storage at the Federal Records Center. We pulled that box back from storage last year as there were other documents relevant to the continuing District Court litigation. The boxes remain in the EPA Region 9 Superfund floor in San Francisco.

We became aware of this today as another attorney in our Office of Regional Counsel is working to respond to a FOIA, on ocean dumping, and came across the listing for this box and file in his review.

More to follow on this thread. I presume that NOAA would need to review any responsive documents from the Steve Simanonok file on ocean dumping. Here is the entry in our records system:

"2347240 record title: Attorney files, John Lyons (Steve Simanonok files - Stauffer, Southern CA Edison, SCCWRP documents, IT Corp / CA Salvage doc production & review, ocean dumping), Dec 1947 - 9/16/92 (6 folders)"

The background on this is/was that after trial I collected documents related to our trial prep and work. That included documents retained by Steve Simanonok as he was the lead witness at trial. As I recall, I gathered all documents related to Steve's civil investigator work on the litigation that remained in Steve's possession.

We are still working remotely but will look for an opportunity to access these folders and determine their contents. It will be interesting to see what is in these folders.

Thanks

John

John Lyons

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From: Jeff Dillen - NOAA Federal <jeff.dillen@noaa.gov>

Sent: Monday, April 12, 2021 1:40 PM

To: Lyons, John <Lyons.John@epa.gov>

Subject: Follow-up, So. Cal. Historic Ocean Disposal

John, It was good talking to you last week. I've spoken with Walker and our internal team, and I have few follow-up thoughts:

- On your question with respect to privilege, NOAA is comfortable with you using and referring to all of the facts that were gathered underlying the earlier 1980s/1990s Montrose investigation. **Ex. 5 AC/DP**

Ex. 5 AC/DP

- Our internal Natural Resource Damages legal team is continuing to compile an inventory of the historic Montrose litigation file. I meet with the team tomorrow morning to discuss what has been found so far. My initial understanding, though, is that our archives may be fairly limited.
- I see that you have scheduled a meeting with the state for tomorrow at 4pm Eastern. Thank you for inviting us. For NOAA, would it be possible to add Chauncey Kelly (chauncey.kelly@noaa.gov) and Chris Plaisted (chris.plaisted@noaa.gov) to the meeting?
- Finally, Walker sent this [clip](#) to me this morning, and asked for me to share it with you to inquire if you had seen it and to hear any reactions you may have from an EPA perspective.

That is all for now. Please let me know if you have any other questions that need answered or information you need to gather before the call tomorrow afternoon.

Until we speak,

..... Jeff